



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,963	07/25/2001	Yoshi Fujita	393032027300	7127

25224 7590 11/03/2005

MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

EXAMINER

SELLERS, DANIEL R

ART UNIT	PAPER NUMBER
----------	--------------

2644

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/912,963	Applicant(s) FUJITA ET AL	
	Examiner Daniel R. Sellers	Art Unit 2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,9,14 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,9,14 and 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed August 10, 2005 have been fully considered but they are not persuasive. The rejection under 35 U.S.C. 102(b) with respect to the amended claims 1, 9, and 14 is maintained, wherein the new limitations are met by the previously cited reference by Roland. The amended and the new claims are addressed in the following.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 9, 14, and 19-22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the Owner's Manual of the VS-1680 Digital Studio Workstation by the Roland Corporation (hereinafter Roland).

4. Regarding amended claim 1, Roland teaches a digital multi-track recording/reproducing device that allows for designating the recording/reproducing status of each track and teaches a track-setting section to designate a plurality of tracks to selectively record (p. 36, Switching Track Conditions). Roland also teaches a mute ON and mute OFF state, wherein a plurality of tracks can be selected for playback and another plurality of tracks can be selected for recording, and it is inherent that some tracks may be omitted in either selection (p. 68, Recording to Other Tracks). They teach that you cannot specify more than eight (8) tracks for record or source, wherein

Art Unit: 2644

source is taught to be a monitoring track. It is inherent, in the art of recording and reproducing audio on a digital audio workstation, that the number of tracks to be recorded to or played back is limited by the hardware used to implement the system. Roland teaches that this limit causes a design choice of allowing the user to select a channel and override a previous setting of another channel, or to disallow the user to select a channel, which would override a previous designation to any or all channels and this thereby reads on the reproducing track number-limiting section (p. 24, bus descriptions).

5. Regarding amended claim 9, see the preceding argument with respect to claim 1. Roland teaches this method.

6. Regarding amended claim 14, see the preceding argument with respect to claim 1. Roland teaches this feature, and it is inherent, in Roland's digital audio workstation, that a program is being executed to perform this functionality.

7. Regarding new claim 19, the further limitation of claim 1, Roland teaches a mode designating section with these features (p. 24). It is inherent that a bit number, or track number, is used to designate which tracks are selected for the recording bus or the mix bus, wherein the mix bus comprises the tracks for playback.

8. Regarding new claim 20, Roland teaches a display section (p. 16, item 1), a plurality of input sections (p. 18-19, items 13-15), a plurality of mixing input channels (p. 14-15, item 6), an input patch section for display (p. 61, lower picture), a plurality of mixing buses (p. 24), a mixing selection section with display (p. 42, top picture), a recorder to record a plurality of tracks simultaneously (p. 12), a recording selection

Art Unit: 2644

section with display (p. 26, Track Mixer section), a selection section (p. 16) , and channel path display (p. 42, input and track mixer settings, and p. 45, top picture).

9. Regarding new claim 21, see the preceding argument with respect to claim 20.

Roland teaches the shared features of a plurality of input sections, mixing input channels, a recorder to record a plurality of tracks simultaneously, an input patch section, and a recording selection section. Roland also teaches a plurality of recording channels, wherein it is limited by hardware, and they teach a plurality of mixing buses (p. 23, first paragraph).

10. Regarding new claim 22, see the preceding argument with respect to claim 21.

Roland teaches the shared features of a plurality of input sections, mixing input channels, a recorder to record a plurality of tracks simultaneously, an input patch section, a recording selection section, and a plurality of mixing buses. Roland also teaches a collective setting section with these features (p. 16).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ajamian, U.S. Patent No. 6,870,936.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2644


TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DRS


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600